

EXHIBIT F

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
CASE NO. 3:13-cv-02274-MMC

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MONITA SHARMA and ERIC
ANDERSON, on behalf of
themselves and all others
similarly situated,
Plaintiffs,

v.

BMW OF NORTH AMERICA, LLC a
Delaware Limited Liability
Company,
Defendants.

_____x

August 6, 2015

10:33 a.m.

CONFIDENTIAL

TRANSCRIPT OF TESTIMONY OF CHABHINATH
RAMKISSOON as taken by and before LINDA M. SCHAAAL, a
Certified Court Reporter, and Notary Public of the
State of New Jersey, at the offices of BRESSLER, &
ROSS, P.C., 325 Columbia Turnpike, Florham Park, New
Jersey, on Thursday, August 6, 2015.

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1 them and provide recommendations or make any type of
2 decisions with regard to what should happen relating
3 to their concerns?

4 A. No.

5 Q. Who would make those decisions?

6 A. Those were presented to the Technical
7 Services Group or whoever the issue may -- the group
8 -- I mean the complaint, the specific area.

9 Q. Would those be handled only through
10 the Technical Services Group, the complaints?

11 A. Yes.

12 Q. There was nobody else who would
13 handle the evaluation of the concerns?

14 A. Well, the region as well, the market
15 team of the region.

16 Q. But as far as the technical analysis
17 of the consumer complaints, was the market team
18 involved in that or was it primarily the Technical
19 Services Group?

20 A. Primarily the Technical Services
21 Group.

22 Q. What was the market teams interaction
23 with that, if you know?

24 A. I'm not sure.

25 Q. Okay. What did you do prior to being

1 customer relations representative?

2 A. I worked for a short time as a PuMA
3 specialist.

4 Q. What were your job duties as a PuMA
5 specialist?

6 A. To review PuMA cases as they were
7 submitted by the dealership.

8 Q. Can you define what a PuMA specialist
9 is? I know it's a German acronym. Do you know what
10 it stands for?

11 A. No.

12 Q. Nobody does.

13 A. I don't know. I remember someone
14 telling me once but it was immediately deleted from
15 my brain.

16 Q. What is your understanding of what a
17 PuMA specialist is, though?

18 A. My understanding of a PuMA specialist
19 is someone that reviews the PuMA cases to read the
20 information that's presented by the technician in
21 the case and they also look at the FASTA data. They
22 will provide feedback to the technician on how to go
23 about resolving the customer issue.

24 Q. Could you explain for us exactly what
25 causes a customer concern to become a PuMA case?

1 A. It's possibly --

2 Q. Let me ask you this way; this might
3 be easier.

4 What is the anatomy of a PuMA case?
5 Do you understand what I mean by that? How does a
6 PuMA case get created?

7 A. A PuMA case is submitted when the
8 dealer is looking for assistance in resolving the
9 issue that the customer has with the vehicle.

10 Q. Are there certain things that
11 automatically become PuMA cases like high value part
12 replacements, things like that?

13 A. No.

14 Q. Is there any criteria by which a
15 dealership is required to open a PuMA case that
16 you're aware of?

17 A. I would say if we are looking for
18 feedback on a particular issue that the customer has
19 to try to gather data for investigation.

20 Q. What do you mean by that?

21 A. Just a matter of collecting data so
22 it can be submitted in a PuMA report for further
23 investigation.

24 Q. Are dealerships told look, if a car
25 comes in with this type of problem, you

1 question in a more broad fashion and go beyond the
2 PuMA specialist. During anytime while you've been
3 working for BMW have you ever had any communication
4 with anybody at BMW AG?

5 A. Yes.

6 Q. How many times have you had
7 communications with BMW AG?

8 A. I couldn't say. I don't keep track.

9 Q. Do you have any estimate?

10 A. Pretty frequent I would say.

11 Q. What would be the reasons that you
12 would have contact with people at BMW AG?

13 MR. CARR: Just generally it's a
14 little vague as to time and communications.

15 Q. At any time regarding any
16 communications?

17 A. It's now as a senior product engineer
18 relating to if I were to submit a PuMA report to AG.

19 Q. Now in your capacity as a senior
20 product engineer you could submit PuMA cases to BMW
21 AG?

22 A. PuMA reports, yes.

23 Q. I'm sorry.

24 Why would you submit a PuMA report to

25 BMW AG?

1 A. For further analysis if I were to
2 think there is a growing trend of a particular
3 failure in a vehicle.

4 Q. So in those instances would you be
5 seeking technical assistance from BMW AG?

6 A. I would say yes.

7 Q. Why would you seek it from them?

8 A. They are the engineers and the
9 developers so they are the ones that know the
10 system.

11 Q. They are the ones that designed it,
12 correct?

13 A. Correct.

14 Q. How did you know that you could
15 contact them in order to ask them for assistance?

16 A. That's a procedure, a process of
17 technical service.

18 Q. When you say it's a procedure or
19 process, what do you mean by that?

20 A. It's a function of the job.

21 Q. What do you mean by that? Is there
22 basically like a workflow where it's like okay, if
23 you have a PuMA case or a PuMA report and you're
24 trying to get some additional resources, you know,
25 have you been trained as part of being able to seek

1 additional assistance that you're allowed to contact
2 BMW AG?

3 A. Just to clarify, we're talking the
4 PuMA report is submitted to BMW AG at this point is
5 that what you're asking.

6 Q. Submitted by you, right?

7 A. Yes.

8 Q. Let's talk about that workflow. So
9 as a senior product engineer you also create PuMA
10 reports, correct?

11 A. Correct.

12 Q. When you create PuMA reports, are you
13 basically -- what would cause you to create a PuMA
14 report?

15 A. If I were to receive various numbers
16 of PuMA cases on the same complaint.

17 Q. Okay. So if you receive numerous
18 PuMA cases, you're seeing a trend, a particular
19 problem that seems to be recurring?

20 A. Correct.

21 Q. As a result of that what have you
22 been trained to do or instructed to do if something
23 like that occurs?

24 A. To submit the PuMA report to BMW AG.

25 Q. How do you know that's what you're

1 supposed to do?

2 A. That's what I was told.

3 Q. That's what you were trained to do,
4 correct?

5 A. Right.

6 Q. Who trained you to do that?

7 A. Managers.

8 Q. Were there any written instructions
9 that you reviewed which talked to you about creating
10 PuMA reports and submitting them to BMW AG?

11 A. No.

12 Q. It was just training that you
13 received from managers, correct?

14 A. Yes.

15 Q. Did you receive that training from
16 more than one manager?

17 A. My section manager.

18 Q. What is that person's name?

19 A. That person's name is Paul Labrie.

20 Q. Basically if I'm understanding you
21 correctly, what you were trained to do is if you get
22 a bunch of PuMA cases on a particular issue, you've
23 been trained by this gentleman that you've
24 identified to create a PuMA report and submit it to
25 BMW AG, correct?

1 A. Correct.

2 Q. Other than submitting the PuMA report
3 to BMW AG are you supposed to do anything else with
4 the PuMA report?

5 A. Monitor for updates from BMW AG.

6 Q. What process do you use to create a
7 PuMA report? What do you do?

8 A. Basically we review the PuMA cases
9 and summarize the information that's entered into
10 various PuMA cases on the same issue.

11 Q. Then what do you do once you've done
12 that?

13 A. That's written in the form of the
14 report that you submit in the PuMA system back to
15 AG.

16 Q. So the PuMA system is a platform that
17 you share with the dealerships, correct?

18 A. Correct.

19 Q. You also share that platform with BMW
20 AG, correct?

21 MR. CARR: I'm going to object.

22 Share is ambiguous and vague.

23 Q. What I mean by that is they have
24 access to -- is this all done on like an internal
25 network?

1 A. Yes, I would say so.

2 Q. What is the name of that network?

3 A. I know it as BMW network.

4 Q. BMW network?

5 A. Yes.

6 Q. That network is accessible to BMW AG,
7 correct?

8 A. Correct.

9 MR. CARR: I'm just going to
10 interpose here and remind the witness to answer
11 factually if you know. If you don't know, don't
12 guess.

13 THE WITNESS: Okay.

14 Q. When you submit the BMW reports,
15 explain to me how that happens? What do you do?
16 You summarize the data and then you create the
17 report and then you submit it, right?

18 A. Correct.

19 Q. How do you submit it? Do you email
20 it to somebody or you just enter a bunch of
21 information into a database and that automatically
22 gets sent to BMW AG?

23 A. It's entered in the PuMA system as a
24 report.

25 Q. It's entered into the PuMA system as

1 out -- I do have a point to it.

2 Q. So is it a computer that is a closed
3 system that you're only supposed to do work related
4 tasks on?

5 MR. CARR: Objection; vague and
6 ambiguous. You can answer factually if you know.

7 A. I'm not sure.

8 Q. You're not sure.

9 MR. CARR: Frankly, the IT framework
10 of BMW NA is not a deposition topic.

11 Q. So you enter the PuMA information in,
12 correct?

13 A. Correct.

14 Q. Do you know who receives it?

15 A. It goes back to a group --
16 counterpart in Munich.

17 Q. A counterpart in Munich?

18 A. Yes.

19 Q. Do you know what that group is
20 called?

21 A. It's a designation, BP-41.

22 Q. PP-41?

23 A. BP-41.

24 Q. Is it PP or BP?

25 A. B as in boy, P as in Peter.

1 Q. Tell me one more time just with the
2 Peter Boy?

3 A. BP-41.

4 Q. So when you enter the PuMA data in it
5 goes to BP-41, correct?

6 A. Correct.

7 Q. The people at BP-41, do you know if
8 those people work for BMW AG?

9 A. I'm not sure.

10 Q. But they are located in Germany,
11 correct?

12 A. Correct.

13 Q. How do you know it goes to that
14 group?

15 A. That's the group I interact with.

16 Q. Do you have like a phone list for
17 people you can call over there?

18 MR. CARR: Objection; ambiguous.

19 A. No.

20 Q. If you wanted to call somebody at
21 BP-41, how would you do that?

22 A. I have to look them up in the system.

23 Q. How would you know who to look up?

24 A. It's based on the person that's
25 accepted the report.

1 Q. So -- you said those are the people
2 you interact with. What is the scope of the
3 interaction you have with those people?

4 A. Just communication on the topic the
5 report is written on.

6 Q. But do you do that only in email
7 format or electronically or do you ever talk to them
8 on the phone?

9 A. Via the PuMA report?

10 Q. So other than the PuMA report, is
11 there any other way to interact with them?

12 A. Email.

13 Q. Other than the PuMA report and email,
14 is there any other way to interact with them?

15 A. It's rare, but by telephone.

16 Q. How many people at BP-41 have you
17 emailed in the past?

18 A. I don't know.

19 Q. Do you have any estimate?

20 A. Probably three guys, personnel.

21 Q. Do you recall their names?

22 A. No, I don't know their names.

23 Q. Do you recall any of their names?

24 MR. CARR: Objection; asked and
25 answered.

1 A. No, I can't.

2 Q. Do you recall any of their first
3 names?

4 MR. CARR: Objection; asked and
5 answered.

6 A. No.

7 Q. Are their email addresses the same --
8 what's your email address?

9 A. Lul.Ramkissoon@BMWNA.com.

10 Q. Do you recall if their email
11 addresses are whatever their names are @BMWNA.com or
12 is it dot AG or something else?

13 A. Something else. It's not AG.

14 Q. Is it BMW something?

15 A. Yes.

16 Q. So it's BMW something, but it's not
17 AG?

18 A. Correct.

19 Q. Is it BMW NA?

20 A. No.

21 Q. So other than the people at BP-41, do
22 you deal with anybody else outside of BMW NA with
23 regard to the PuMA reports you do?

24 A. No.

25 Q. When you submit the PuMA reports,

1 what do you typically get back in response?

2 A. The status update, the progression of
3 how the investigation is going.

4 Q. Anything else?

5 A. Sometimes a request for the
6 information from the dealers.

7 Q. Anything else?

8 A. That's it.

9 Q. Do they ever give you an answer like
10 okay, thanks for the PuMA report, we figured out how
11 to fix the problem, this is what you're supposed to
12 do?

13 MR. CARR: Objection; asked and
14 answered.

15 A. In some cases.

16 Q. In cases where they don't provide you
17 with a solution, what do they do?

18 MR. CARR: Objection; ambiguous. You
19 can answer, if you know factually.

20 A. They may give us additional steps to
21 try to fix the car.

22 Q. That would be a solution, wouldn't
23 it? Let me ask it to you this way. In some cases
24 they provide you with a recommendation. Let's not
25 call it a solution. You provide them with a

1 problem, we're experiencing this problem, it has
2 been happening frequently and then in some cases in
3 response they give you a recommendation, correct?

4 A. Correct.

5 Q. Are there any instances that you're
6 aware of where they don't give you a recommendation?

7 A. Yes.

8 Q. Do they say anything to you other
9 than not giving you a recommendation?

10 MR. CARR: Objection; ambiguous.

11 A. No.

12 Q. Sometimes you're just giving them
13 information like hey, we're seeing a number of these
14 vehicles are failing in this particular way and so
15 you're just giving them data, correct?

16 A. Yes.

17 Q. They are not really going to give you
18 anything in response, they're just gathering that
19 data, correct?

20 A. Yes.

21 Q. Do you know why you're supposed to
22 provide them with that data?

23 MR. CARR: Objection; asked and
24 answered. Calls for speculation.

25 A. I'm not sure.

1 as to, you know, what to tell customers if a certain
2 problem happens? Can you think of anything like
3 that?

4 A. No.

5 Q. What types of recommendations do they
6 give you?

7 A. For example, in the Sharma case to
8 check the seals in the car, in the sunroof, to check
9 the sunroof drains.

10 Q. So they provide you technical
11 assistance, correct?

12 A. Yes.

13 Q. In your interaction with BP-41, has
14 anybody ever told you there are certain things you
15 can't ask them?

16 MR. CARR: Objection; vague and
17 ambiguous.

18 A. Not that I know of.

19 Q. So basically if you have numerous
20 PuMA cases that are coming in and then you submit a
21 PuMA report in order to seek the assistance from
22 BP-41, to your knowledge there is no restraint on
23 the degree of questions you can ask them or
24 information you can provide them, correct?

25 MR. CARR: Objection; calls for

1 speculation. You can answer factually, if you know.

2 A. I don't know.

3 Q. No restrictions you're aware of,
4 correct?

5 MR. CARR: The same objection.

6 A. Yeah, not that I'm aware of.

7 Q. It sounds like BP-41 has a pretty
8 extensive degree of technical knowledge regarding
9 the vehicles, correct?

10 MR. CARR: Calls for speculation.

11 A. That I don't know.

12 Q. Well, they provide you with technical
13 information, correct?

14 A. Yes.

15 Q. What is your understanding of the
16 source of that information?

17 MR. CARR: Objection; calls for
18 speculation.

19 A. I don't question it.

20 Q. And they are the ones that designed
21 the car, correct?

22 MR. CARR: Objection; calls for
23 speculation.

24 A. That I'm not sure of either.

25 Q. Well, do you know where they get

1 vehicles, with regard to cases you were working on,
2 PuMA cases or anything like that?

3 A. No.

4 THE VIDEOGRAPHER: We are going off
5 the record. The time is 11:34 a.m. This is the end
6 of tape 1.

7 (Whereupon, a recess was taken
8 11:34-11:39 a.m.)

9 THE VIDEOGRAPHER: We are back on the
10 record. The time is 11:49 a.m. This is the start
11 of tape 2.

12 BY MR. STARR:

13 Q. Have you ever worked on a PuMA report
14 that has become an SIB?

15 A. No.

16 Q. Have you ever worked on a PuMA report
17 that has become a recall? I guess that's the same
18 thing.

19 A. No.

20 Q. Have you ever received any
21 information from BP-41 regarding something becoming
22 an SIB?

23 MR. CARR: Objection to form; vague
24 and ambiguous.

25 A. A PuMA measure?

1 Q. Right. What is a PuMA measure?

2 A. It's more or less information on the
3 vehicle and a specific complaint or issue, which may
4 be seen in the market. It's very similar to a PuMA
5 case.

6 Q. Have you ever interacted with BP-41
7 regarding a PuMA measure?

8 A. Yes.

9 Q. How?

10 A. Via email.

11 Q. In those instances was that something
12 where you originated that contact or something where
13 BP-41 originated that contact?

14 A. They sent a PuMA measure.

15 Q. So BP-41 sent a PuMA measure to you?

16 A. No, not directly to me.

17 Q. Who did they send it to?

18 A. They didn't send it to anyone.

19 Q. What was their involvement in the
20 PuMA measure?

21 A. They created it, wrote it into the
22 PuMA system.

23 Q. So BP-41 created the PuMA measure and
24 put it into the PuMA system?

25 A. Yes.

1 Q. And how did you become aware of it?

2 A. By a report that's run.

3 Q. Who runs that report?

4 A. The quality and analysis reporting
5 team.

6 Q. And how would you come in contact
7 with that report?

8 A. It's emailed. An email is sent out
9 notifying of updates to the report.

10 Q. The quality analysis reporting team,
11 where are they located at?

12 A. BMW North America.

13 Q. So you received a report that was
14 emailed to you by the quality analysis reporting
15 team that contained a PuMA measure created by BP-41?

16 A. Correct.

17 Q. When you say a PuMA measure, how does
18 a PuMA measure differ -- what is a PuMA measure?

19 A. A PuMA measure is very similar to the
20 PuMA case where it contains the affected vehicle,
21 the cause and the solution.

22 Q. So you're talking about -- with
23 regard to a PuMA case, a PuMA case is started by a
24 dealership, correct?

25 A. Correct.

1 Q. Then there is a response to the PuMA
2 case where there is a solution, correct?

3 A. Yes.

4 Q. So what you're talking about with
5 regard to the PuMA measure is that it's a solution
6 that is provided by somebody, correct?

7 A. Yes.

8 Q. In this instance you've seen PuMA
9 measures that were created by BP-41?

10 A. Yes.

11 Q. Do you know why those PuMA measures
12 were circulated throughout BMW NA?

13 MR. CARR: Objection to form; calls
14 for speculation. You can answer if you know.

15 Q. You received an email regarding the
16 PuMA measure, correct?

17 A. Yes.

18 Q. Do you know why that email was sent
19 out?

20 A. Because an update to the measure was
21 completed, performed.

22 Q. Do you know if PuMA measures are sent
23 to the dealerships?

24 A. No.

25 Q. Do you know if the dealerships become

1 Q. Right.

2 A. Yes.

3 Q. What familiarity do you have with
4 regard to those complaints?

5 A. Checking out the sunroof frames for
6 clogs, maybe torn or broken seal.

7 Q. How did you become aware of those
8 complaints?

9 A. PuMA case.

10 Q. Other than a PuMA case, did you have
11 any other familiarity with those complaints?

12 A. No.

13 Q. What is the extent of your
14 familiarity with regard to the PuMA case or cases
15 relating to those complaints?

16 A. The complaint is water in the vehicle
17 in the trunk area.

18 Q. How is it you became familiar with
19 the PuMA case or cases regarding water in the trunk
20 area?

21 A. Forwarded or escalated to me by the
22 PuMA hotline or the field personnel, the technical
23 service engineer.

24 Q. How many PuMA cases have you been
25 involved in with the complaint of water in the trunk

1 MR. CARR: Objection; vague and
2 ambiguous as to what BMW means.

3 A. No.

4 Q. So before a BMW NA issues an SIB, is
5 it your understanding they don't do any
6 investigation?

7 A. It's probably rare that they do an
8 investigation.

9 Q. Do you know what causes BMW to issue
10 an SIB?

11 A. Again, as I said earlier the PuMA
12 measures come from BMW AG.

13 Q. I'm sorry?

14 A. The PuMA measures that are released
15 by BMW AG.

16 Q. So PuMA measures are issued by BMW
17 AG. Are SIBs issued as a result of those PuMA
18 measures?

19 A. Not in all cases, but yes.

20 Q. Do you know if BMW AG does any
21 investigations prior to issuing PuMA measures?

22 MR. CARR: Objection; calls for
23 speculation.

24 A. I don't know what BMW AG does.

25 Q. Are there any instances you're aware

1 of where SIBs are issued, but they are not issued as
2 a result of PuMA measures that are issued by BMW AG?

3 A. Rare occasions, yes.

4 Q. What happens on those occasions, if
5 you know?

6 A. Specific to this case?

7 Q. No, just generally.

8 A. If it's a trend, a growing trend as
9 we discussed earlier, in some cases we will release
10 an SIB to assist the dealers to inform every one,
11 all the dealer networks.

12 Q. So if there is a growing trend, does
13 BMW NA do any kind of investigation into that
14 growing trend prior to issuing an SIB?

15 A. Yeah.

16 Q. Do they do any type of analysis prior
17 to issuing an SIB?

18 A. No.

19 Q. What kind of investigation do they do
20 prior to issuing an SIB if there is a growing trend,
21 if you know?

22 MR. CARR: Object to form.

23 A. It will be just more or less the
24 diagnosis comparing the data from one vehicle, if
25 it's the same type class vehicle, comparing the